

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X		
TODD KREISLER,	:	Index No: 12-CIV-4052
	:	(PAE)
	:	
-against-	:	<b>RESPONSE TO</b>
	:	<b>PLAINTIFF'S FIRST</b>
KAIS ABID d/b/a PAPA JOHN'S, PARKER EAST 24 <sup>th</sup>	:	<b>SET OF</b>
APARTMENTS, LLC, a New York limited liability	:	<b>INTERROGATORIES</b>
company, and 305 EAST 24 <sup>TH</sup> STREET OWNERS CORP.,	:	
a New York corporation,	:	
	:	
Defendants.	:	
-----X		

Defendant 305 East 24<sup>th</sup> Street Owners Corp. (the "Coop") by its attorneys Cantor, Epstein & Mazzola, LLP, pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, hereby provides the following response (the "Response") to Plaintiff's First Set of Interrogatories (the "Interrogatories"):

**General Objections**

1) Defendant's Response is made without waiver of and with preservation of: (i) all questions as to confidentiality, competency, relevancy, materiality, privilege and admissibility of the Response, the documents produced hereunder and the subject matter thereof; (ii) the right to object to the use of any such Response, the documents produced hereunder or the subject matters thereof, on any grounds in any proceeding in this action; (iii) the right to object on any grounds at any time to a demand or request for further discovery proceedings involving or relating to the subject matter hereof; and (iv) the right, at any time, to revise, correct, add to, supplement, or clarify any of the Responses contained herein.

2) Defendant objects to the Interrogatories to the extent they are not specific, do not relate to the matters in controversy and are overly broad and burdensome, including as to the

time period.

3) Defendant objects to the Interrogatories to the extent that they seek information or documents which are privileged and/or constitute attorney work product.

4) Defendant objects to the Interrogatories to the extent that they seek information or documents which are not the proper subject of discovery.

5) Defendant objects to the Interrogatories to the extent that they are unclear and difficult to discern what information is being requested.

6) Defendant objects to the Interrogatories to the extent that they call for legal conclusions, analysis and opinion.

7) All of the Responses herein will be subject to and limited by the foregoing General Objections.

8) Defendant reserves the right to amend and/or supplement this response at any time up to and including the time of trial.

### **RESPONSES AND SPECIFIC OBJECTIONS**

#### **INTERROGATORY NO. 1**

Provide the name, address and telephone number, place of employment, and job title of any person who has, claims to have or whom you believe may have knowledge or information pertaining to any fact alleged in the pleadings (as defined in Fed.R.Civ.P. 7(a)), filed in this action or any fact underlying the subject matter of this action.

#### **Response to Interrogatory No. 1**

Stephen Nardoni: Managing Agent for the Coop. Contact *via* Nardoni Realty Inc., 305 East 24<sup>th</sup> Street, New York, New York 10010.

**INTERROGATORY NO. 2**

State the specific nature and substance of the knowledge that you believe the person(s) identified in your response to interrogatory number 1 may have.

**Response to Interrogatory No. 2**

Upon information and belief, Mr. Nardoni has information generally pertaining to the allegations in the complaint, including, but not limited to, the history and use of the subject property.

**INTERROGATORY NO. 3**

State the names, addresses, representatives of all entities that own or operate any part of the public accommodations described in the Complaint and state the specific nature of that entity's interest in the premises.

**Response to Interrogatory No. 3**

Upon information and belief, co-defendant Kais Abid d/b/a Papa John's and/or co-defendant Parker East 24<sup>th</sup> Apartments, LLC (or one of its affiliated companies), or Parker 24 Commercial Associates own or operate the public accommodations described in the Complaint.

**INTERROGATORY NO. 4**

State in detail the substance of the opinions to be provided by each person whom you may use as an expert witness at trial.

**Response to Interrogatory No. 4**

Pursuant to FRCP 26(a)(2), the Coop avers that it has not yet retained or made any determinations regarding the retention of any experts in this matter, but reserves the right to

retain, exchange, and use experts pursuant to the Federal Rules of Civil Procedure.

**INTERROGATORY NO. 5**

Identify any documents, including pertinent insurance agreements, deeds, and leases pertaining to any fact alleged in any pleading.

**Response to Interrogatory No. 5**

Annexed hereto as Exhibit "A" is the lease between the Coop and Parker 24 Commercial Associates. The Coop's applicable insurance agreement was previously provided under separate cover. The Coop is conducting a search for additional information responsive to this interrogatory and reserves its right to supplement its response.

**PLEASE TAKE NOTICE** that the Coop reserves the right to amend or supplement the above responses at any time up to and including the time of trial.

Dated: New York, New York  
February 7, 2013

**CANTOR, EPSTEIN & MAZZOLA, LLP**  
*Attorneys for the Coop*

By: \_\_\_\_\_/s/\_\_\_\_\_  
Gary S. Ehrlich  
49 West 37<sup>th</sup> Street, 7<sup>th</sup> Floor  
New York, New York 10018  
(212) 768-4343